



Legislative Bulletin.....October 30, 2003

Contents:

- H.J.Res. 75**—Making Further Continuing Appropriations for Fiscal Year 2004
H.R. 2691—Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2004
H.R. 2443—Coast Guard and Maritime Transportation Act of 2003
-

Rolled Votes:

- H.Con.Res. 291**—Expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993
H.Res. 409—Repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive
H.Con.Res. 302—Expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003
Eddie Bernice Johnson Motion to Instruct on H.R. 6—Energy Policy Act of 2003
Davis (FL) Motion to Instruct on H.R. 1—Medicare Prescription Drug and Modernization Act of 2003
-

H.J.Res. 75—Making further continuing appropriations for the fiscal year 2004 (Young of Florida)

Order of Business: The joint resolution is scheduled to be considered on Thursday, October 30th, pursuant to the closed rule (H.Res. 417) that passed the House yesterday.

Summary:

- Extends the existing Continuing Resolution (Public Law 108-84) through November 7, 2003.
- Clarifies the definition of “rate for operations not exceeding the current rate” in regards to continuing loans and loan guarantees that were conducted in fiscal year 2003.
- Clarifies that the administrative expenses of the Grants-in-Aid for Airports Program would be available to the Secretary of Transportation out of the Airport and Airway Trust Fund at a rate for operations not exceeding the current rate for fiscal year 2003.
- Strikes five sections of the existing CR regarding:

1. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Highway Administration
2. The transferring to the Highway Trust Fund of the administrative expenses of the Bureau of Transportation Statistics
3. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Transit Administration
4. The transferring to the Highway Trust Fund of the administrative expenses of the National Highway Traffic Safety Administration
5. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Motor Carrier Safety Administration

NOTE: Unlike the last CR passed by the House (H.J.Res. 73), this CR does NOT contain enacting references to any appropriations bills.

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DRAFT

BY THE NUMBERS:

Budget Authority in Millions of Dollars

	FY '03 Enacted	FY '04 Request	FY '04 House	FY '04 Senate	FY '04 Conference
Appropriations	19,463*	19,555	19,627	19,625	19,643
Emergency Spending for 04	NA	400	0	400	397

*Excludes additional spending enacted in the Supplemental attached to the FY 04 Leg Branch Bill.

Excluding the Emergency Spending for FY 04, the Conference Report is:

- ***\$180 million or 0.9% more than last year (excludes FY 04 Leg Branch Supplemental);***
- ***\$88 million or 0.5% more than the request;***
- ***\$16 million or 0.1% above the House-passed bill; and***
- ***\$18 million or 0.1% above the Senate-passed bill.***

NOTE: These figures are based on RSC calculations from the Joint Explanatory Statement filed with the Conference Report. The final total for the Conference Report may vary slightly.

FUNDING ISSUES:

NOTE: The bill includes an across-the-board rescission of 0.646%. This across-the-board reduction is not reflected in the table below (but is reflected in the box above).

MAJOR PROGRAMS:

In Thousands of Dollars

	FY 03 Enacted	FY 04 Request	FY 04 House	Conference Report	Conf. % Over '03	Conf. % Over Request	Conf. % Over House
Bureau of Land Management							
Management of Lands & Resources.....	820,344	828,079	834,088	850,321	3.65%	2.69%	1.95%
Wildland Fire Mgmt (Including Emergencies)	839,153	698,725	698,725	792,725	-5.53%	13.45%	13.45%
Construction.....	11,898	10,976	10,976	13,976	17.47%	27.33%	27.33%
Land Acquisition.....	33,233	23,686	14,000	18,600	-44.03%	-21.47%	32.86%
Oregon & California Grant Lands.....	104,947	106,672	106,672	106,672	1.64%	0.00%	0.00%
PILT.....	218,570	200,000	225,000	227,500	4.09%	13.75%	1.11%
U.S. Fish & Wildlife Service							
Resource Mgmt.....	911,464	941,526	959,901	963,352	5.69%	2.32%	0.36%
Construction.....	54,073	35,393	52,718	60,554	11.99%	71.09%	14.86%
Land Acquisition.....	72,893	40,737	23,058	43,628	-40.15%	7.10%	89.21%
Land Owner Incentive Program.....	-260	40,000	40,000	30,000		-25.00%	-25.00%
Private Stewardship Grants.....	-65	10,000	10,000	7,500		-25.00%	-25.00%
Cooperative Endangered Species Fund.....	80,473	86,614	86,614	82,614	2.66%	-4.62%	-4.62%
National Wildlife Refuge Fund.....	14,320	14,414	14,414	14,414	0.66%	0.00%	0.00%
North Amer Wetlands Conserv Fund.....	38,309	49,560	24,560	38,000	-0.81%	-23.33%	54.72%
Neotropical Migratory Birds Conservation...	2,981	0	5,000	4,000	34.18%		-20.00%
Multinational Species	4,768	7,000	5,000	5,600	17.45%	-20.00%	12.00%
State Wildlife Grants Fund.....	64,577	59,983	75,000	70,000	8.40%	16.70%	-6.67%
National Park Service							
Operations of Park System.....	1,564,331	1,631,882	1,630,882	1,629,641	4.17%	-0.14%	-0.08%
US Park Police.....	77,921	78,859	78,859	78,859	1.20%	0.00%	0.00%
National Recreation & Preservation.....	61,628	47,936	54,924	62,544	1.49%	30.47%	13.87%
Urban Park & Recreation Fund.....	298	305	305	305	2.35%	0.00%	0.00%
Historic Preservation Fund.....	68,552	67,000	71,000	74,500	8.68%	11.19%	4.93%
Construction.....	325,712	327,257	303,199	333,995	2.54%	2.06%	10.16%
Land Acquisition & State Assistance.....	171,348	238,634	131,154	142,350	-16.92%	-40.35%	8.54%
U.S. Geological Survey.....	919,272	895,505	935,660	949,686	3.31%	6.05%	1.50%
Minerals Mgmt Service.....	170,312	171,321	171,321	172,421	1.24%	0.64%	0.64%
Office of Surface Mining Reclamation & Enforcement							
Regulation & Technology.....	104,681	106,699	106,699	106,424	1.67%	-0.26%	-0.26%

Abandoned Mine Reclamation Fund.....	190,498	174,469	194,469	192,969	1.30%	10.60%	-0.77%
Bureau of Indian Affairs							
Operation of Indian Programs.....	1,845,246	1,889,735	1,902,106	1,916,317	3.85%	1.41%	0.75%
Construction.....	345,988	345,154	345,154	351,154	1.49%	1.74%	1.74%
Insular Affairs.....	96,926	87,468	90,967	82,777	-14.60%	-5.36%	-9.00%
Departmental Mgmt.....	71,957	97,140	76,027	77,533	7.75%	-20.18%	1.98%
Office of the Solicitor.....	47,462	50,374	50,374	50,374	6.14%	0.00%	0.00%
Office of the Inspector General.....	36,003	39,049	39,049	38,749	7.63%	-0.77%	-0.77%
Special Trustee for American Indians.....	148,287	295,621	240,621	211,621	42.71%	-28.41%	-12.05%
Forest Service							
Research.....	250,049	252,170	267,230	269,710	7.86%	6.96%	0.93%
State & Private Forestry.....	284,712	315,823	290,758	308,140	8.23%	-2.43%	5.98%
National Forest System.....	1,353,444	1,369,573	1,394,792	1,382,916	2.18%	0.97%	-0.85%
Wildland Fire Mgmt (Including Emergencies)	2,006,968	1,541,775	1,624,632	1,944,212	-3.13%	26.10%	19.67%
Capital Improvements & Maintenance.....	548,450	524,571	560,473	562,154	2.50%	7.16%	0.30%
Land Acquisition.....	132,945	44,130	29,288	67,191	-49.46%	52.26%	129.41%
Land Acq Special Acts & Exchanges.....	1,294	1,303	1,303	1,303	0.70%	0.00%	0.00%
Mgmt for Subsistence Use.....	5,506	5,535	5,535	5,535	0.53%	0.00%	0.00%
Department of Energy							
Clean Coal Deferral	-87,000	0	-86,000	-97,000	11.49%		12.79%
Clean Coal Rescission.....	0	0	0	-88,000			
Fossil Energy Research & Development....	620,837	514,305	609,290	681,163	9.72%	32.44%	11.80%
Naval Petroleum & Oil Shale Reserves.....	17,715	16,500	20,500	18,219	2.85%	10.42%	-11.13%
Elk Hills Schools (Advance).....	36,000	36,000	36,000	36,000	0.00%	0.00%	0.00%
Energy Conservation.....	891,769	875,793	879,487	888,937	-0.32%	1.50%	1.07%
Economic Regulation.....	1,477	1,047	1,047	1,047	-29.11%	0.00%	0.00%
Strategic Petroleum Reserve.....	171,732	175,081	175,081	173,081	0.79%	-1.14%	-1.14%
Northeast Home Heating Reserve.....	5,961	5,000	5,000	5,000	-16.12%	0.00%	0.00%
Energy Information Administration.....	80,087	80,111	82,111	82,111	2.53%	2.50%	0.00%
Department of HHS							
Indian Health Service.....	2,849,661	2,889,662	2,948,642	2,958,164	3.81%	2.37%	0.32%
Other							
Navajo & Hopi Relocation.....	14,397	13,532	13,532	13,532	-6.01%	0.00%	0.00%
Inst of Amer Ind & Alas NatCulture & Arts.	5,454	5,250	5,250	6,250	14.59%	19.05%	19.05%
Smithsonian.....	544,875	566,523	583,718	603,718	10.80%	6.57%	3.43%
National Gallery of Art.....	92,842	100,449	100,449	99,449	7.12%	-1.00%	-1.00%
Kennedy Center.....	33,690	32,560	32,560	32,560	-3.35%	0.00%	0.00%
Woodrow Wilson Center.....	8,433	8,604	8,604	8,604	2.03%	0.00%	0.00%
NEA.....	115,732	117,480	127,480	122,480	5.83%	4.26%	-3.92%
NEH.....	124,936	152,000	142,000	137,000	9.66%	-9.87%	-3.52%
Commission of Fine Arts.....	1,216	1,422	1,422	1,422	16.94%	0.00%	0.00%
National Capital Arts & culture.....	6,954	5,000	7,000	7,000	0.66%	40.00%	0.00%
Advisory Council on Historic Preservation..	3,643	4,100	4,100	4,000	9.80%	-2.44%	-2.44%
National Capital Planning Commission.....	7,206	8,230	7,730	7,730	7.27%	-6.08%	0.00%
Holocaust Memorial.....	38,412	39,997	39,997	39,997	4.13%	0.00%	0.00%
Presidio Trust.....	21,188	20,700	20,700	20,700	-2.30%	0.00%	0.00%

LEGISLATIVE LANGUAGE:

- Requires extensive annual reporting by the Administration regarding competitive sourcing activities, caps the amount of money the Departments of Energy, Interior, and Forest Service may expend on outsourcing activities without additional approval of the Committees on Appropriations, and sets limits on the conversion of activities performed by more than 10 Federal employees to contractors unless certain conditions are met.
- Limits to \$45,000,000 the amount of funds that are available for activities of the Special Trustee for American Indians for certain activities related to accounting for Indian Trust Accounts (response to Cobell vs. Norton litigation) for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support.
- In response to a Court decision mandating extensive historical accounting with respect to Indian Trust accounts, the bill provides that “nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103-412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004”
- Includes special expedited authorities, including exemption to portions of NEPA, for rehabilitation projects (including salvage harvests) conducted on National Forest System Lands in the North Fork drainage on the Flathead National Forest in Montana.
- In contravention of the law creating the Memorial, permits the use of federal funding for visitor protection and interpretation at the Oklahoma City Memorial.
- Requires the Dept of Interior to issue a detailed report about their compliance with the Buy America Act.
- Prevents oil and gas leasing in the eastern Gulf of Mexico (outside of Sale 181 area) or in the Mid-Atlantic and South Atlantic Planning Areas.
- Prohibits oil and gas drilling in the Finger Lakes National Forest, New York.

- **Overrides restrictions in existing law with respect to land purchases by the National Park Service for the Shenandoah Valley Battlefields National Historical District, New Jersey Pinelands Reserve, and Ice Age National Scenic Trail.**
- Prevents mineral leasing activities within National Monuments, except where permitted by the original Presidential declaration creating the monument.
- Includes the text of H.R. 1409, providing for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes. This bill passed the House on September 23, 2003 by a vote of 288-127 (4 Republican “no” votes). RSC Leg Bulletin: <http://www.house.gov/burton/RSC/LB92303.pdf>
- Contains authorizing language creating the Blue Ridge National Heritage Area in North Carolina and authorizing appropriations of \$10 million, but not more than \$1 million in any given year.
- Provides a \$11,750 grant to the Harriet Tubman Home in New York. The amount provided is the amount of the widow’s pension that Harriet Tubman should have received from January 1899 to March 1913 as a result of the death of her husband, a Civil War veteran but did not receive, adjusted for inflation.
- Creates permanent restrictions on commercial events occurring on the National Mall.
- Authorizes the expansion of the Congaree Swamp National Monument.
- Provides legislative authority for the implementation of the Gallatin Land Consolidation Act of 1998
- Permits the Secretaries of Interior and Agriculture to limit competition for watershed restoration project contracts as part of the Jobs in the Woods programs in Region 10 of the Forest Service.
- Provides for the transfer of Forest Legacy Program land in Vermont to the state of Vermont
- Prevents funds from being used for activities in direct response to the United Nations Biodiversity Convention.
- Permits the Secretaries of Agriculture and Interior to give consideration in the awarding of contracts to local contractors who are from or who employ dislocated and displaced workers in an economically disadvantaged rural community (this includes those affected by the reduction in Federal timber harvesting).

- Extends the Recreational Fee Demonstration Program through 2005 (currently expires in 2004)

EARMARKS & OTHER PROGRAMS:

The bill earmarks \$2 million for local governments in southern California for planning associated with the National Communities Conservation Planning program.

The bill includes numerous other earmarks for specific projects, including:

<i>Project</i>	<i>Amount</i>
Benjamin Franklin Tercentenary Commission.....	\$200,000
Blue Ridge Parkway (Folk Art Center).....	750,000
Brown Foundation.....	200,000
Chesapeake Bay Gateways.....	2,500,000
Dayton Aviation Heritage Commission.....	87,000
Flight 93 Memorial.....	298,000
French and Indian War (PA).....	500,000
Harry S. Truman Statue.....	50,000
Ice Age National Scientific Reserve.....	806,000
Jamestown 2007.....	199,000
Johnstown Area Heritage Association.....	49,000
Lake Roosevelt Forum.....	50,000
Lamprey River.....	1,000,000
Mandan Interpretive Center and Lodge Project.....	500,000
Martin Luther King, Jr. Center.....	528,000
Native Hawaiian Culture and Arts Program.....	740,000
New Orleans Jazz Commission.....	66,000
Oklahoma City Memorial.....	1,600,000
Office of Arctic Studies.....	1,500,000
Roosevelt Campobello International Park Commission.....	847,000
Sleeping Rainbow Ranch, Capitol Reef NP.....	<u>497,000</u>
<i>Total</i>	<i>\$12,967,000</i>

<i>Project/State</i>	<i>Amount</i>
Adlai Stevenson House, IL	\$100,000
Admiral Theater, Bremerton, WA	200,000
Adventure Gloucester, MA	250,000
Artrain USA Museum, Ann Arbor, MI	150,000
Astoria Column Astoria, OR	345,000
Augusta Theatre, KY	150,000
Avery Point Lighthouse, CT	100,000
Barber Scotia College, NC	100,000
Belfry House, MS	150,000
Belmont Mansion, Philadelphia, PA	200,000
Bemis Auditorium, Bemis, TN	200,000
Benjamin Mays birthplace Greenwood, SC	300,000
Bethany College, Bethany, WV	220,000
Bogalusa City Hall, LA	100,000
Borman Arts Center Martinsburg, WV	100,000
Buckland Preservation, VA	50,000
Camp Washington Carver Cliff Top, WV	150,000
Carillo Ranch, CA	200,000
Cheraw & Darlington Railroad Depot Society Hill, SC	75,000
Chester Academy, Chester, OH	237,000
Conservation of paintings in Old State Capitol, Frankfort, KY	75,000
Council House Grounds, NY	100,000
Crotona Park Bath House, New York, NY	100,000
Davidge Hall Baltimore, MD	350,000
Edgar Allan Poe Cottage, New York, NY	100,000
El Paso Plaza Theater, El Paso, TX	200,000
Emily Dickinson Homestead, Amherst, MA	200,000
Emporium Building, San Francisco, CA	200,000
Estudillo Mansion, CA	250,000
F.W. Woolworth Building, Greensboro, NC	150,000
Falling Waters, PA	100,000
Feehan Memorial Library Mundelein, IL	200,000
Fitz-Green Hallock House, Lake Ronkookoma, NY	40,000
Five Fingers Lighthouse, Juneau, AK	200,000
Fort Reno historic restoration, Fort Reno, OK	300,000
Fox Theatre, WA	250,000
Frank Theater Abbeville, LA	100,000
Fremont Adobe, CA	150,000
French Gratitude Boxcar Bismarck, ND	80,000
Ft. Abercrombie State Historical Site Ft. Abercrombie, ND	200,000
Gen. Joseph Wheeler Home, Pond Spring, AL	150,000
Grand Opera House of the South, Crowley, LA	150,000
Grand Opera, GA	250,000
Gray Building Northfield, VT	250,000
Graycliff Estate Derby, NY	275,000
Great Brick Chapel, St. Mary's City, MD	200,000
H. Alden Smith Mansion, Minneapolis, MN	200,000
Haines House, OH	56,000
Hardman Art Building, Macon, GA	150,000
Hayesville Opera House, OH	92,000
Henry Whitfield House, Guilford, CT	150,000
Homestead Opera House Lead, SD	375,000
Johnstown Flood Memorial, St. Michael's PA	325,000
Karl L. King Band Shell, Fort Dodge, IA	253,000
Landers Theatre, MO	250,000

Lloyd House, Alexandria, VA	100,000
Lombard Theatre, IL.....	300,000
Lopez Adobe, San Fernando, CA	150,000
Madison County Courthouse, MT	250,000
Mansion House, VA.....	200,000
Marks-Rothenberg Building, Meridian, MS	200,000
Martin Luther King, Jr. Memorial in Columbia, MO	100,000
McKinley High School Baton Rouge, LA	100,000
McKinley Museum, OH.....	50,000
McVicker House, Irvington, NY.....	200,000
Metropolitan Hotel Project, Paducah, KY	250,000
Morris Lighthouse, SC.....	100,000
Municipal Auditorium, LA	100,000
Murphy-Bromelsick House, Lawrence, KS	100,000
Ohio Theatre, OH.....	25,000
Old Dutch Church repairs, Kingston, NY	100,000
Old Henderson County Courthouse, NC.....	400,000
Old Main Building, PA	200,000
Old Marion High School, Marion, SC	200,000
Oneida County Courthouse, WI.....	240,000
Paramount Theater, Middletown, NY	100,000
Pastime Theatre, AL	50,000
Pendleton Courthouse, WV.....	100,000
Pennsylvania Academy of Fine Arts, Hamilton Building, Philadelphia, PA	200,000
Perry County Courthouse, OH	180,000
Pontotoc Courthouse and Downtown Restoration, MS.....	300,000
Providence Performing Arts Center Providence, RI	275,000
Ramirez Solar House, PA	250,000
Rowan Courthouse, KY	50,000
Rye Bath House, Rye NY	200,000
Seaman Mineral Museum Houghton, MI.....	225,000
Sears Art Deco Tower Miami, FL.....	125,000
Single Sisters House, NC	200,000
Ste. Genevieve Memorial Cemetery, MO	150,000
Story Mansion, Bozeman, MT	500,000
Sunnyhill Pavillion, KY	200,000
Taliesen West, Scottsdale, AZ	75,000
Tennessee Theatre, TN	47,000
The Grand Jury Building, Eutaw, AL	435,000
The Music Hall, Portsmouth, NH	400,000
Veterans National Cemetery, Alexandria, VA.....	100,000
Walking Box Ranch Clark County, NV.....	275,000
Ward Chapel AME Episcopal Church & Museum Prattville, AL	200,000
Wilderstein Preservation, NY	150,000
Total	\$18,000,000

<u>Program/Project</u>	<u>Amount</u>
Economic recovery base program	\$5,000,000
Rural development base program	4,000,000
Forest products, conservation & recycling	1,300,000
Wood in transportation	1,000,000
<i>Subtotal, Programs</i>	<i>11,300,000</i>
Special projects	
Alabama rural economic action	500,000
Arid Lands Research Consortium	400,000
Cradle of Forestry conservation education, NC	550,000
Gonzaga Univ. Inland NW Natural Resources Center, WA	600,000
KY mine waste reforestation	1,000,000
Lake Tahoe erosion control grants, CA NV	1,750,000
Education & research consortium of western NC	750,000
Rural forestry technology, Univ. WA and WA St. U.	625,000
Woody biomass applications, SUNY, Syracuse, NY	750,000
Wood Education & Resource Center, WV	2,700,000
Chugach avalanche center, AK	200,000
Ketchikan wood technology Center, AK	750,000
Mountain studies institute, CO	500,000
Environmental Science & public policy research, ID	250,000
Missouri forest foundation biomass project	1,000,000
Fuels-in-schools biomass program, MT	1,250,000
Univ. of Idaho collaborative working forests	350,000
Northern forests partnership program	100,000
Funitana Lake, Swaine county econ. development Study, NC	100,000
Kake land exchange, AK	500,000
<i>Subtotal, Special Projects</i>	<i>14,625,000</i>
Total, Economic Action	\$25,925,000

H.R. 2443—Coast Guard and Maritime Transportation Act of 2003 (Young of Alaska)

Order of Business: The bill is scheduled to be considered on Thursday, October 30th, subject to an open rule (H.Res. 416). Amendments that have been pre-printed in the *Congressional Record* are summarized below. Note: under an open rule, amendments do not need to be pre-printed in order to be made on the House floor.

Summary: H.R. 2443 would authorize appropriations, provide for marine safety, and make other adjustments to Coast Guard policy and management.

[Authorization of Appropriations](#)

H.R. 2443 would authorize \$7.113 billion for Coast Guard programs (including retired pay) in FY2004—**\$1.12 billion (or 18.7%) more than the appropriation for FY2003 and \$458.0 million (or 6.9%) more than President Bush’s request for FY2004.** Below are the authorization levels for each of the six accounts in which programs have traditionally been authorized (though H.R. 2443 combines a few such accounts).

Coast Guard Authorizations

(Millions of Dollars)

Account	FY 2003 Approps	FY 2004 Request (Bush)	FY 2004 Authorization H.R. 2443	H.R. 2443 vs. FY 03	H.R. 2443 vs. Bush
Operations & Maintenance	4,322.1	4,821.0	4,979.0	15.2%	3.3%
Acquisition & Construction	725.1	775.0	1,057.0	45.8%	36.4%
Research & Development	22.0	22.0	22.0	0.0%	0.0%
Retired Pay	889.0	1,020.0	1,020.0	14.7%	0.0%
Bridge Alteration	17.2	0.0	18.0	4.7%	
Environmental Compliance	17.0	17.0	17.0	0.0%	0.0%
TOTAL	5,992.4	6,655.0	7,113.0	18.7%	6.9%

H.R. 2443 would also authorize the hiring of 45,500 active-duty Coast Guard personnel. At the end of FY2003, approximately 37,000 active-duty personnel were serving in the Coast Guard.

[Coast Guard Management](#)

- Allows the Coast Guard to enter into certain property leases for twenty years (rather than the current-law five years).
- Allows incentive bonuses of up to \$20,000 each to enlisted members who completes training in a skill designated as critical, subject to certain requirements and restrictions.
- Eliminates the requirement that a warning shot be fired before taking a disabling shot at a vessel that refuses to comply with a lawful order to stop for a lawful search.
- Clarifies what constitutes a Coast Guard user fee (does *not* establish any new user fee).
- Expands the authority of the Coast Guard to take out direct loans for housing acquisition or construction.

- Reduces the mandatory retirement age from 62 to 60.
- Permits travel allowances or pay to be deducted or withheld from a Coast Guard employee who is delinquent under a federal contractor-issued credit card.
- Provides statutory authority for a Coast Guard Congressional Fellowship Program, under which four mid-grade officers could be assigned for educational purposes to one-year assignments on Capitol Hill. (The current fellowship program is administered by the Department of Defense.)
- Establishes a new Coast Guard Museum at or near the Coast Guard Academy in New London, Connecticut. The Secretary of the Department in which the Coast Guard is operating could not expend any federal funds for the planning, engineering, design, construction, operation, or maintenance of the museum.
- Increases the limit on commissioned officers from 6,200 to 6,700.

Navigation

- Allows the Coast Guard to mark underwater wrecks with non-lighted buoys.
- Authorizes the prohibition of the use (on the bridge of vessels) of certain electric and electronic devices that interfere with communications or navigation equipment.
- Authorizes the Commandant to enter into cooperative agreements with non-federal entities to carry out vessel operating requirements and traffic services. Cooperative agreements could not be made for the provision of “inherently governmental functions,” defined as “activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.”
- Provides for the establishment of new inland navigation regulations and the repeal of the current ones.

Shipping

- Provides for an optional *suspending* of a merchant mariner’s credentials upon conviction of drug use or addiction if such drug use can be proven cured. Current law mandates *revocation* of credentials upon such conviction.
- Makes merchant mariner’s credentials subject to public scrutiny under the Freedom of Information Act and the Privacy Act. Currently, such credentials are not open to public inspection.
- Exempts unmanned barges from having to be commanded by U.S. citizens (subject to certain restrictions).
- Increases the civil penalties for failure to comply with recreational vessel construction standards from \$2,000 per offense/maximum of \$100,000 for a related series of violations to \$5,000 per offense/maximum of \$250,000 for a related series of violations.
- Allows the Coast Guard to suspend or revoke a merchant mariner’s credentials if the mariner commits an act of incompetence, regardless of whether the mariner was acting under the authority of the credentials at the time the incompetence occurs.

- Allows the Coast Guard to prevent (for safety reasons) the departure of a foreign vessel carrying a U.S. citizen from a U.S. port, regardless of where the vessel picked up the U.S. citizen.

Federal Maritime Commission

- Authorizes appropriations of \$18.5 million for the Federal Maritime Commission for FY2004.

Miscellaneous

- Increases civil penalties for violations of certain bridge statutes (such as those requiring certain lighting on bridges, etc.). Such penalties are \$1,000 in current law but would increase under the bill to \$25,000 by 2008.
- Authorizes \$5 million for each of fiscal years 2004-2008 for the establishment of a National Maritime Enhancement Institute for the Great Lakes Region to study cargo transportation on the Lakes.
- Authorizes \$5 million for FY2004 for the Agile Port and Intelligent Border Security National Demonstration Project to develop and deploy dual-use transportation technologies for commercial applications.
- Directs the Congressional Budget Office to study the impact of chartering dredges by foreign citizens on the U.S. dredging industry.
- Requires the Coast Guard to report on the security inspections of vessels and cargo on vessels that enter the United States each year.
- Authorizes several conveyances and miscellaneous provisions regarding specific vessels.

Amendments to the Oil Pollution Act of 1990

- Allows the President to issue regulations requiring **non-tank** vessels of 400 gross tons and greater that carry oil as fuel for main propulsion to prepare vessel response plans in the event of spillages.
- Clarifies several current-law liability provisions for oil spillages.
- Allows the Secretary of Transportation to issue regulations regarding minimum standards for, and carriage of, devices warning of overfills and tank levels of oil in cargo tanks and devices for monitoring the pressure of oil cargo tanks.

Amendments Pre-Printed in the Congressional Record:

Manzullo (#1). Prohibits any aircraft, including helicopters, from being acquired (directly or indirectly) by the Coast Guard unless the aircraft are manufactured in the United States using components at least 65% of which are manufactured in the United States.

Manzullo (#2). Allows the Coast Guard to conduct bridge alteration projects only if the steel, iron, and manufactured products used in such projects are produced in the United States

(unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable).

Manzullo (#3). Substitutes “at least 65 percent” for “substantially all” in the Coast Guard acquisitions and construction projects subject to the Buy American Act (41 U.S.C. 10a).

Jones of North Carolina (#4). Allows the Commandant to make direct recommendations to Congress regarding Coast Guard policy.

Engel (#5). Directs the Coast Guard to patrol all navigable waters that are adjacent to a nuclear production or utilization facility.

Engel (#6). Mandates a security assessment of (and a report to Congress on) Indian Point Energy Center, Westchester County, New York, within one year of this bill’s enactment.

Engel (#7). Mandates a security assessment of (and a report to Congress on) the navigable waters adjacent to Indian Point Energy Center, Westchester County, New York, within one year of this bill’s enactment.

Oberstar (#8). Authorizes the Coast Guard to suspend or revoke a mariner’s license if a mariner: 1) operates a vessel in a negligent manner or interferes with the safe operation of a vessel, so as to endanger the life, limb, or property of a person; or 2) poses a terrorism security risk. According to the amendment sponsor’s office, this amendment would allow the relevant persons responsible for the recent Staten Island Ferry accident to have their licenses revoked. A current-law technicality prevents such revocation.

Millender-McDonald (#9). Authorizes the Department of Homeland Security to issue port security grants, by replacing “Secretary of Transportation” with “Secretary of Homeland Security” in the relevant places in the Maritime Transportation Security Act (46 U.S.C. 70107).

Engel (#10). Requires a vulnerability assessment of Indian Point Nuclear Power Plant, Westchester County, New York.

Hostettler (#11). Directs the Commandant to assign an officer in the grade of captain to serve as the Coast Guard's Service Chair at the National War College.

DeFazio (#12). Prohibits the National Coast Guard Museum from being located on any property that has been condemned or taken by eminent domain by the federal government, by a state or local government, or by any other person acting under the authority of a state or local government. *(Note: the notion of eminent domain refers to the federal, state, or local government power to take private property—presumably for public use, like roads, but more and more for transferring to another private party, such as a developer or an electric utility).*

Committee Action: On June 12, 2003, the Subcommittee on Coast Guard and Maritime Transportation marked up and forwarded H.R. 2443 to the full Transportation &

Infrastructure Committee by voice vote. On June 25, 2003, the full Committee marked up and favorably reported the bill to the full House by voice vote.

Administration Position: There is no indication that the Administration is opposing the authorizations in H.R. 2443 that are higher than in the President’s budget request.

Cost to Taxpayers: CBO reports that H.R. 2443 would authorize \$6.093 billion in FY2004 and \$6.113 billion over the FY2004-FY2008 period. As indicated above, the bill would also authorize the appropriation of about \$1 billion for Coast Guard retirement benefits in 2004. That amount is excluded from the CBO estimate because those benefits are considered an entitlement under current law and are not subject to appropriation.

H.R. 2443 would increase mandatory spending by \$2 million per year over the FY2004-FY2008 period (because of a provision allowing the Coast Guard to spend more of the user fees it currently collects).

Does the Bill Create New Federal Programs or Rules?: Yes—the establishment of the National Maritime Enhancement Institute and the Agile Port and Intelligent Border Security National Demonstration Project, as detailed above (for a total of \$30 million in authorizations over five years).

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-233, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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**H.Con.Res. 291—Expressing deep gratitude for the valor and commitment
of the members of the United States Armed Forces who were deployed in
Operation Restore Hope to provide humanitarian assistance to the people
of Somalia in 1993 (Hayes)
*(Rolled Vote from October 28)***

Order of Business: The resolution was considered on Tuesday, October 28th, under a motion to suspend the rules and pass the bill. A roll-call vote on the resolution was rolled until today.

Summary: H.Con.Res. 291 has 7 findings regarding the 1993 U.S. Somalia operation, and resolves:

“That the Congress--

- “expresses deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993;

- “recognizes those members, many of whom were killed or severely wounded in direct combat, who acquitted themselves with honor and courage in battle to restore freedom to an oppressed nation;
- “honors the heroic service of the special operations forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported them;
- “extends condolences to the families and friends of those killed and wounded in Operation Restore Hope; and
- “encourages the American people to remember the sacrifices of those who served.

Additional Background: According to the resolution’s findings, October 3, 2003, marked the 10th anniversary of the major battle in the United States operation to capture key members of the Somali National Alliance led by the terrorist warlord, Mohammed Farah Aidid, in Mogadishu, Somalia. Sixteen special operations personnel assigned to Task Force Ranger were killed (2 of whom, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart, were posthumously awarded the Medal of Honor for actions above and beyond the call of duty), and another 83 wounded during this firefight. In addition, two soldiers of the 10th Mountain Division were killed, and another 28 wounded, while supporting the special operations forces of Task Force Ranger. The findings note that “the valiant efforts of the soldiers, sailors, airmen, and Marines who were deployed in Operation Restore Hope significantly contributed to the war against terrorism and oppression.”

Committee Action: H.Con.Res. 291 was introduced on October 2, 2003 and referred to the House Committee on Armed Services. The Committee did not consider the resolution.

Cost to Taxpayers: None.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. 409—Repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive (Blunt)
(Rolled Vote from October 28)

Order of Business: The resolution was considered on Tuesday, October 28th, under a motion to suspend the rules and pass the bill. A roll-call vote on the resolution was rolled until today.

Summary: H.Res. 409 would resolve that the House:

- “thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which embodies age-old stereotypes of Jewish global domination and grotesque anti-Semitism on an international scale;

- “reaffirms the rebuke made by President George W. Bush of Dr. Mahathir and his injurious sentiments on October 20, 2003, stating that the remarks ‘stand squarely against what I believe;’
- “calls upon other governments and international bodies, notably the European Union, to condemn these remarks as dangerous incitement; and
- “deplores the tacit acquiescence of those national representatives in attendance at the October 2003 Organization of the Islamic Conference as willing complicity in spreading a message of hate and incitement against Jews.”

Additional Background: The outgoing Prime Minister of Malaysia, Dr. Mahathir Mohamad, long known for his anti-Semitism, opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as “the enemy” who “rule the world by proxy.” The resolution notes that among the 57 national representatives in attendance, none raised their voice in protest at the time and many applauded Dr. Mahathir's statements. Some foreign leaders, such as the Egyptian Foreign Minister, have explicitly supported the statements after the Conference ended.

To read Dr. Mahathir’s speech in its entirety, visit this webpage:

http://www.adl.org/Anti_semitism/malaysian.asp

Note: At least 40 RSC Members are co-sponsors of this resolution.

Committee Action: On October 21, 2003, the resolution was referred to the Committee on International Relations but was not considered.

Administration Position: President Bush condemned the remarks of the Malaysian Prime Minister: <http://www.washtimes.com/national/20031020-103009-9615r.htm>

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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**H.Con.Res. 302—Welcoming President Chen Shui-bian of Taiwan to the
United States on October 31, 2003 (*Wexler*)
(*Rolled Vote from October 29*)**

Order of Business: The resolution was considered on Wednesday, October 29th, under a motion to suspend the rules and pass the bill. A roll-call vote on the resolution was rolled until today.

Summary: H.Con.Res. 302 would resolve that Congress:

- “offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on October 31, 2003;

- “asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;
- “recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;
- “congratulates President Chen Shui-bian on his receiving the Human Rights Award from the International League for Human Rights; and
- “thanks President Chen Shui-bian and the government and people of Taiwan for their humanitarian and medical assistance in Afghanistan and post-war Iraq as well as for their willingness to contribute to the peace, stability, and prosperity of the Middle East.”

The resolution also states that “for more than 50 years an iron-clad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations.”

Additional Background: For a detailed biography of President Chen Shui-bian, visit this webpage: <http://www.gio.gov.tw/taiwan-website/5-gp/president.htm>

The Bush Administration recently reiterated its “one China” policy and its opposition to Taiwan’s independence:

<http://www.whitehouse.gov/news/releases/2003/10/20031019-8.html>

Committee Action: On October 15, 2003, the resolution was referred to the Committee on International Relations but was not considered.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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Eddie Bernice Johnson Motion to Instruct Conferees on H.R. 6—the Energy Policy Act (*Rolled Vote from October 29*)

Order of Business: On Wednesday, October 29, 2003, Rep. Eddie Bernice Johnson (D-TX) offered a motion to instruct conferees on H.R. 6—the Energy Policy Act. Although the ayes prevailed on voice vote, a recorded vote was requested and was rolled until today.

Summary of Motion: The Johnson motion would instruct House conferees to confine themselves to matters committed to conference (in accordance with House Rule XXII, Clause

9) regarding matters relating to ozone nonattainment (i.e. failing to comply with certain clean air requirements in time) and ozone transport. Further, the motion would instruct House conferees to include in the conference report the provisions of the Senate amendment regarding reformulated gasoline in ozone nonattainment areas and ozone transport regions.

The text of the Senate amendment referenced by the motion is as follows:

SEC. 837. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended--

(1) by striking ``**(6) OPT-IN AREAS.--(A) Upon**'' and inserting the following:

``**(6) OPT-IN AREAS.--**

``**(A) CLASSIFIED AREAS.--**

``**(i) IN GENERAL.--Upon**'';

(2) in subparagraph (B), by striking ``**(B) If**'' and inserting the following:

``**(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.--If**'';

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))--

(A) in the first sentence, by striking ``subparagraph (A)'' and inserting ``clause (i)''; and

(B) in the second sentence, by striking ``this paragraph'' and inserting ``this subparagraph''; and

(4) by adding at the end the following:

``**(B) OZONE TRANSPORT REGION.--**

``**(i) APPLICATION OF PROHIBITION.--**

``**(I) IN GENERAL.--**In addition to the provisions of subparagraph (A), upon the application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

“(II) **PUBLICATION OF APPLICATION.**--As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

“(ii) **PERIOD OF APPLICABILITY.**--Under clause (i), the prohibition specified in paragraph (5) shall apply in a State--

“(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

“(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

“(iii) **EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.**--

“(I) **IN GENERAL.**--If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation--

“(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

“(bb) may renew the extension under item (aa) for two additional periods, each of which shall not exceed 1 year.

“(II) **DEADLINE FOR ACTION ON PETITIONS.**--The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.”.

Additional Background: To read the RSC Legislative Bulletin on H.R. 6, as it came to the House floor, visit this webpage: <http://www.house.gov/burton/RSC/LB41003.pdf>

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost or revenue effects of the underlying legislation.

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**Davis of Florida Motion to Instruct Conferees on H.R. 1—Medicare
Prescription Drug Modernization Act of 2003
*(Rolled Vote from October 29)***

Order of Business: On Wednesday, October 29th, 2003, Rep. Jim Davis (D-FL) offered a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003. Although the noes prevailed on voice vote, a recorded vote was requested and was rolled until today.

Summary of Motion: The motion directs the House conferees to reject subtitle C of title II of the House bill. This section provides for competition in 2010 between privately run Medicare plans and traditional Medicare fee-for service.

More information on the 2010 competition provisions can be found here:
<http://www.house.gov/burton/RSC/MedicareHR1Summary03.pdf>

A similar motion offered by Rep. Brown of Ohio was defeated on October 28 by a vote of 194 to 209.

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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